

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN RE:

Michele Peters,

DEBTOR.

CHAPTER 13

CASE NO. 19-56056-PJS

JUDGE PHILLIP J. SHEFFERLY

TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN

NOW COMES the Chapter 13 Standing Trustee, David Wm. Ruskin, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to Local Bankruptcy Rule 3015-3 as follows:

1. Debtor's Schedule A/B indicates that Debtor owns no jewelry. Debtor testified at the First Meeting of Creditors that Debtor owns multiple items of jewelry. Debtor's non-disclosure of all of Debtor's assets and Debtor's omission of assets from the Liquidation Analysis results in the Plan lacking compliance with 11 USC Section 1325.

2. Debtor's Schedule A/B indicated that Debtor was garnished in the amount of \$1,217.71 preceding commencement of this case. Debtor testified at the First Meeting of Creditors that Debtor has recovered all of the garnished proceeds. The Plan does not require Debtor to remit those garnished proceeds to the Plan as additional payments under the Plan as required by 11 USC Section 1325(b).

3. . Based upon an average of Debtor's pay stubs dated October 25, 2019 and November 8, 2019, Debtor has average monthly gross income of \$5,822.91 and average monthly net income of \$4,777.88. Debtor's Schedule I understates Debtor's monthly net income by approximately \$643.91. The Plan does not comply with 11 USC Section 1325(b)(1)(B) and 11 USC Section 1325(a)(3).

4. Debtor testified at the First Meeting of Creditors that although Debtor's paystubs reflect an ongoing voluntary retirement contribution, Debtor has terminated those deductions. Debtor has not provided to the Trustee a paystub or other documentation to confirm that Debtor's voluntary contributions have terminated. Accordingly, the Plan does not comply with 11 USC Section 1325(b).

5. The Plan does not increase its funding upon final repayment of Debtor's 401(k) loan. *See* 11 USC Section 1325(b)(1)(B) and 11 USC Section 1325(a)(3).

WHEREFORE, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of Debtor's Chapter 13 Plan unless modified to meet these objections.

OFFICE OF DAVID WM. RUSKIN,
STANDING CHAPTER 13 TRUSTEE

Dated: March 20, 2020

By: /s/ Thomas D. DeCarlo
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

I hereby certify that on March 20, 2020, I electronically filed the Trustee's Objections to Confirmation of Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

MAXWELL DUNN PLC
24725 W 12 MILE ROAD Ste 306
SOUTHFIELD, MI 48034-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

Michele Peters
18439 Shaftsbury
Detroit, MI 48219-0000

/s/ Vanessa Wild

Vanessa Wild
For the Office of David Wm. Ruskin
Chapter 13 Standing Trustee - Detroit
1100 Travelers Tower
26555 Evergreen Road
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(248) 352-7755